

ASSEMBLY BILL

No. 2818

Introduced by Assembly Member Maze

February 24, 2006

An act to add Chapter 2.3 (commencing with Section 11757.70) to Part 1 of Division 10.5 of the Health and Safety Code, relating to child and maternal health.

LEGISLATIVE COUNSEL'S DIGEST

AB 2818, as introduced, Maze. Maternal use of narcotics: testing.

Existing law establishes the State Department of Health Services and sets forth its powers and duties, including, but not limited to, duties regarding licensing and certification of health facilities, and regarding maternal and child health. Existing law establishes the State Department of Alcohol and Drug Programs and sets forth its powers and duties, including, but not limited to, duties related to alcohol and drug affected mothers and infants.

This bill would require the State Department of Health Services, in consultation with the State Department of Alcohol and Drug Programs, to conduct a pilot program that would randomly select 12 health facilities to conduct random tests of mothers and their infants at birth to determine the prevalence of illegal narcotics use by expectant mothers, and to report the statistical results to the Legislature by January 1, 2008.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 2.3 (commencing with Section
2 11757.70) is added to Part 1 of Division 10.5 of the Health and
3 Safety Code, immediately following Section 11757.61, to read:

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5 CHAPTER 2.3. DRUG TESTING OF MOTHERS AND INFANTS

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7 11757.70. (a) The State Department of Health Services, in
8 consultation with the State Department of Alcohol and Drug
9 Programs, shall establish a pilot program to determine the
10 incidence of illegal narcotic use by expectant mothers.

11 (b) The State Department of Health Services shall randomly
12 select 12 health facilities licensed as general acute care hospitals
13 pursuant to subdivision (a) of Section 1250 that provide
14 obstetrical and neonatal services to participate in the program.

15 (c) The State Department of Health Services shall establish
16 protocols for the program that require each participating health
17 facility to conduct random urine tests of mothers and their infants
18 at birth. The confidential tests shall be undisclosed to the mother
19 and shall be designed to identify the illegal use of narcotics by
20 the mother. The program shall require that if the mother tests
21 positive and the baby tests negative, that a further test be
22 conducted of the baby’s meconium.

23 (d) The State Department of Health Services shall establish
24 protocols for the program that require the selected health
25 facilities to compile the results in a statistical report in a manner
26 that does not identify the mothers or infants tested and shall
27 require the selected health facilities to report the results to the
28 State Department of Health Services and the State Department of
29 Alcohol and Drug Programs in a statistical format designed by
30 the State Department of Health Services in consultation with the
31 State Department of Alcohol and Drug Programs.

32 (e) The State Department of Health Services, in consultation
33 with the State Department of Alcohol and Drug Programs, shall
34 report the statewide results of the pilot program to the Legislature
35 by January 1, 2008.

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